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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,484	01/26/2005	Withold Richert	HM-613PCT	3831
40570	7590	08/25/2008		
FRIEDRICH KUEFFNER			EXAMINER	
317 MADISON AVENUE, SUITE 910			YEE, DEBORAH	
NEW YORK, NY 10017				
		ART UNIT	PAPER NUMBER	
		1793		
		MAIL DATE	DELIVERY MODE	
		08/25/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/522,484

Applicant(s)

RICHERT, WITHOLD

Examiner

Deborah Yee

Art Unit

1793

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Deborah Yee /
Primary Examiner
Art Unit: 1793

Continuation of 11, does NOT place the application in condition for allowance because: Claims 1 to 3 and 5 to 12 stand rejected under 35 USC 103 (a) as being unpatentable over Japanese patent 5-59446 ("JP-446"), Japanese patent 2000-94100 (JP-100), Japanese patent 5-255816 ("JP-816") in view of US Patent 5,759,306 ("Tosaka") or US patent 5,759,307 ("Berger").

The English abstract of JP-446, JP-100 or JP-816, each teach a process for continuous production of steel strip wherein the strip is subjected to annealing and pickling prior to cold rolling which meets the recited claims. Even though prior art teaches rolling steel strip at a reduction of 50% or more whereas Applicant's claims recite a reduction of 30-40%, such difference would not be a patentable significance. Note that cold rolling reduction rate would be a matter of choice well within the skill of the artisan to select depending on the desired thickness and properties sought, which would be productive of no new and unexpected results. In addition, Applicant's specification, first full paragraph teaches present invention rolling process involves a significant reduction in the thickness of the steel strip, preferably by at least 20%. There is no teaching or suggestion by Applicant that a reduction rate of 30-40% is somehow critical or necessitates new and unexpected results. Hence claims would not patentably distinguish over prior art.

JP-446, JP-100 or JP-816 closely meet the recited invention but fails to specify rolling using a tandem rolling process. It is, however, well known and conventional practice in the metallurgical art to utilize a tandem roller for rolling steel strip or sheet, as evident by Tosaka on lines 49 to 52 in column 8 and hence would be a matter of choice well within the skill of the artisan to incorporate.

JP-446, JP-100 or JP-816 teach a process for the continuous production of steel strip wherein the strip is subjected to annealing, pickling followed by cold rolling, and would implicitly suggest the apparatus that is needed to perform the process which would include an installation for heating the strip to anneal, an installation for chemically treating the strip to pickle and installation for rolling the strip.

Even though JP prior art does not specifically teach rolling with a tandem rolling mill as recited by claim 6 and wherein rolling stands are designed as a multi-roll cold-rolling mill with a 6-high or z-high roll arrangement as recited by claim 7, such would not be a patentable distinction. Note that it is well known and conventional practice in the metallurgical art to utilize a tandem roller with six stands for rolling steel strip or sheet, as evident by Tosaka on lines 49 to 52 in column 8; and hence would be a matter of choice well within the skill of the artisan to incorporate.

Moreover, JP prior art does not teach the additional installations, such as metal grain shot-blasting unit, stretcher-leveling unit, trimmer unit or degreasing installation as recited by claims 9 to 12. These additional installations, however, are well known and conventionally utilized in the metallurgical art for producing metal strip as taught by Berger in figure 1 and lines 55 to 67 in column 2 and lines 1 to 7 in column 3 to further enhance steel strip properties. Note grain shot-blasting unit together with pickling ensures complete scale removal from steel surface, stretch-leveling unit further flattens and levels steel after annealing, degreaser cleans steel, and trimmer removes rough edges. Since a steel strip with a smooth and even surface is desired and sought by JP prior art, then it would be an obvious modification for one skilled in the art to incorporate the additional installations as recited by claims 9 to 12, to the JP system to produce no more than the known and expected effect from such an addition.